



## Policy 806

Subject

# LAW ENFORCEMENT ASSISTED DIVERSION (LEAD) PROGRAM

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*By Order of the Police Commissioner*

### POLICY

1. **Harm Reduction.** The goal of the Law Enforcement Assisted Diversion (LEAD) program is improving public health and public safety by reducing future harm and criminal behavior caused by individuals engaged in minor drug offenses and prostitution.
2. **Diversion.** The LEAD program diverts eligible individuals from prosecution and incarceration, and has been proven more effective at reducing recidivism and improving public safety than traditional criminal justice approaches<sup>1</sup>.
3. **Partnerships.** The Baltimore Police Department (BPD) has partnered with Behavioral Health System Baltimore (BHSB), the Office of the State's Attorney (OSA), the Office of the Public Defender, the Division of Parole and Probation, the Baltimore City Health Department, and others to develop the LEAD program.

### DEFINITIONS

**LEAD Case Manager** — An employee of a designated services provider assigned to support/supervise Lead Participants and act as a liaison between the LEAD Participants, the BPD, and other LEAD partner agencies described above.

**LEAD Participant** — An individual meeting the eligibility requirements described below, who is willing to participate in the LEAD program, and has been accepted into the LEAD program after approval from all operational partners.

**LEAD Pilot Area** — Geographic area from Franklin St. (North) to Pratt St. (South). Martin Luther King Blvd. (West) to St. Paul St. (East).

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<sup>1</sup> Susan E. Collins, Heather, S. Lonczak Seema, and L. Clifasefi (March 27, 2015). LEAD Evaluation: Recidivism Report. <http://leadkingcounty.org/lead-evaluation/>

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## **GENERAL**

### **Core LEAD Principles**

1. **Harm Reduction Philosophy** — Participants will be engaged where they are in their lives and recovery; they will not be penalized or denied services if they do not achieve abstinence.
2. **Non-Displacement Principle** — Where existing treatment programs have unused capacity, and when individuals' treatment needs match program services, LEAD staff will match patients with available resources.
3. **Community Transparency and Accountability** — Community stakeholders and public safety leaders shall participate in regular staff meetings and have access to program performance reports and program staff.
4. **Participant Confidentiality** — The confidentiality of LEAD Participants and a respect for their privacy are crucial components to their success and to ethical service delivery. LEAD stakeholders and operational partners recognize that participant data security is always a priority and that participant safety and reputation depend on a commitment to confidentiality and privacy.

### **Eligibility Requirements**

The LEAD program is designed to provide services to Baltimore City residents, or individuals who frequent the Baltimore City LEAD Pilot Area (see map of LEAD Pilot Area, Appendix A).

### **Referral Types**

1. There are two LEAD referral paths:
  - 1.1. Stop Referral, and
  - 1.2. Social Contact Referral.

### **Stop Referral**

1. Adults suspected of minor violations related to controlled dangerous substance (CDS) or prostitution-related offenses may be referred to the LEAD program by a LEAD-trained BPD officer via a Stop Referral, except when:
  - 1.1. The suspected CDS activity involves Distribution or Possession with Intent to Distribute, and there is reason to believe the individual's primary motivation for distribution is to derive income, as contrasted with addiction motivation (i.e., as a source of funding to acquire additional CDS for personal use);
  - 1.2. The individual's behavior does not appear amenable to diversion (e.g., combative behavior);
  - 1.3. The individual appears to be a threat to himself/herself or to public safety;

- 1.4. The individual appears to exploit minors or others in a drug dealing enterprise;
- 1.5. The individual is suspected of promoting prostitution;
- 1.6. The individual has an existing peace or protective order prohibiting contact with a current LEAD Participant or LEAD staff member(s);
- 1.7. The individual has an open or pending case in any jurisdiction;
- 1.8. The individual has one of the following disqualifying convictions that occurred within 10 years before the date of the current offense, or if any sentence for one of the following disqualifying offenses was completed within the last 5 years prior to the date of the current offense:
  - 1.8.1. First Degree or Second Degree Murder
  - 1.8.2. Manslaughter or Vehicular Manslaughter
  - 1.8.3. Rape
  - 1.8.4. First, Second, or Third Degree Sex Offenses
  - 1.8.5. Abduction or Kidnapping
  - 1.8.6. First Degree Assault
  - 1.8.7. Child Abuse (physical or sexual) or Child Neglect
  - 1.8.8. Armed Robbery or any offense involving a firearm
  - 1.8.9. Arson
- 1.9. The individual has an open arrest warrant; and/or
- 1.10. The individual is currently under supervision in any jurisdiction (e.g., parole, probation, pretrial release, etc.).

2. BPD officers and their supervisors shall be the primary decision makers for LEAD Stop Referrals based on LEAD training and officer discretion.
3. LEAD-trained officers shall utilize the LEAD Referral and Screening/Waiver Form (see Appendix B) to determine if the individual is eligible to be diverted into the LEAD program.

**NOTE:** A prior referral does not preclude a second referral but is a factor the officer may consider with respect to the individual's amenability to LEAD.

4. Only LEAD-trained officers may offer LEAD referrals. If an officer who is not LEAD-trained identifies an individual who may be eligible for diversion, he or she may call a LEAD-trained officer to the scene to make a LEAD referral assessment.

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### **Social Contact Referral**

1. To the extent the LEAD program has capacity for additional clients after responding to Stop Referral cases, LEAD will also accept referrals based on Social Contacts for individuals who are perceived as having a high risk of future arrest for minor drug activity or prostitution.
2. The Social Contact referral is a tool to prevent future harm caused by drug abuse. The eligibility requirements for Stop Referrals also apply to Social Contact Referrals.

### **Intoxication/Informed Consent**

1. If at the time of the arrest, an individual is intoxicated or incapacitated and unable to engage effectively in the intake process, the individual should not be referred to LEAD at that time.
2. If, in the officer's and/or service provider's judgment, an individual is unable to provide informed consent and/or poses a risk to self or others due to severe mental illness, the person will not be referred to LEAD. Rather, refer these individuals to the BPD's Crisis Response Team for connection to behavioral health services.

### **Follow-up Intake Appointments**

1. Individuals who are capable of giving informed consent but not capable of completing the full intake and assessment at the time of a Stop Referral or Social Contact Referral may schedule a follow-up appointment.
2. These prospective LEAD clients will have 7 business days from the date of initial Stop Referral in which to follow up with and schedule a full intake and assessment with the service provider.
3. Failure to schedule an intake within 7 days will result in the case being discussed at the next Operational Workgroup meeting. The Workgroup may decide to have law enforcement move forward with charges or to extend the window of time available for the follow up. All decisions will be made collaboratively by the Workgroup.

### **Hours of Operation and Capacity**

1. LEAD intakes will occur between 10am – 6pm, Monday through Friday, unless otherwise noted.
2. The LEAD Program Manager and service provider will make ongoing determinations of program capacity during LEAD diversion hours.
3. Program capacity updates will be regularly communicated to the partner agencies and the BPD LEAD Liaison Officer who will disseminate the updated information to all LEAD officers.

### **LEAD Notification**

1. Officers outside of the LEAD Pilot Area may encounter LEAD Participants. All officers should inquire about LEAD status through the Communications Section dispatcher if the individual self-identifies as a LEAD Participant.

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2. The 'LEAD' Involvement Type has been created in the CAD system and can identify all LEAD participants.
3. If the officer confirms he/she is engaging a LEAD Participant, the officer shall notify LEAD staff if the participant is arrested or is in a crisis (i.e. emotional, behavioral, or medical emergency). A short message with the name of the LEAD Participant and a description of the crisis or arrest is all that is necessary.
4. Notify the Communications Section if assistance is needed in contacting LEAD staff.

### **Member**

#### **LEAD Trained Officer**

1. Upon either making a warrantless arrest (based upon probable cause under Maryland law) or an Investigative Stop (based upon reasonable articulable suspicion) for a CDS or prostitution related violation, a LEAD trained officer will make an immediate assessment whether the suspect is eligible for the LEAD program. This initial assessment shall be based on the following:
  - 1.1. Is the offense a LEAD eligible offense?
  - 1.2. Did the offense occur within the LEAD Pilot Area and during the program operating hours?
  - 1.3. Does the individual have a disqualifying characteristic (i.e., see above, 1.1-1.10, pp. 2-3)?
2. If the individual is not eligible to participate in the LEAD program, and there is probable cause to arrest, transport the individual for arrest processing through the Central Booking and Intake Facility (CBIF). If there is not probable cause to arrest, the individual is free to leave.
3. If the individual is eligible to participate in the LEAD program, advise the individual about the LEAD program and ask the individual if they would like to participate in the program.
  - 3.1. Explain and answer any questions about eligibility.
  - 3.2. Stress that participation is voluntary.
  - 3.2. Note that further screening will take place and they may still be charged if deemed ineligible upon further screening
4. If the individual does not wish to participate in the LEAD program, transport the individual for arrest processing through CBIF if there is probable cause to arrest. If not, transport them back to the contact location.

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## Stop Referral Process

1. If the individual does wish to participate in the LEAD program:
  - 1.1. Contact a LEAD Case Manager via the Communications Section or by contacting the LEAD Case Manager directly.
  - 1.2. Transport the individual to the Central District for an initial intake assessment from a LEAD Case Manager and verify eligibility.
  - 1.3. Contact the LEAD coordinator for the Office of the State's Attorney (OSA). Supply the OSA with the name, date of birth, address, and SID number for the individual arrested.
  - 1.4. Prepare a Crime Incident Report detailing the facts and circumstances regarding the arrest.
  - 1.5. Forward the Crime Incident Report to the LEAD OSA coordinator.
  - 1.6. Be guided by the OSA to determine if the individual is eligible for LEAD.
    - 1.6.1. If it is determined that the individual is not eligible for LEAD, given the facts and circumstances, the arresting officer may:
      - 1.6.1.1. Transport the individual to CBIF for charging.
      - 1.6.1.2. Release the individual with a request for a criminal summons.
      - 1.6.1.3. Release the individual with a request for a warrant.
    - 1.6.2. If eligible, direct the individual and LEAD Case Manager to the private interview room for LEAD intake.
    - 1.6.3. Complete a LEAD Referral and Screening/Waiver Form (Appendix B). The LEAD Referral and Screening/Waiver Form shall be completed for all LEAD Stop Referrals in addition to all BPD related reporting.
    - 1.6.4. Photocopy the LEAD Referral and Screening/Waiver Form and all related BPD reporting.
    - 1.6.5. Provide the LEAD Case Manager with a copy of all reporting.
    - 1.6.6. Stand by until the LEAD Case Manager has completed the intake and assessment process with the individual. Exit the CD with the individual when advised by the LEAD Case Manager that no further action is warranted. Do not transport the individual to CBIF for arrest processing.
    - 1.6.7. If the LEAD Case Manager advises that the individual is not a good candidate for participation in the LEAD program, take action listed under 1.6.1.1.- 1.6.1.3.
2. Submit any CDS or related evidence to the Evidence Control Section (see Policy 1401, *Control of Property and Evidence* and Policy 1402, *Management of Evidentiary Controlled Dangerous*

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*Substances*). Submission should occur whether or not the person is arrested and charged or enrolled in the LEAD program.

3. Submit the original reporting to your supervisor for review.
4. Obtain a charging document for the individual only when advised to do so by the OSA.

#### **Social Contact Referral Process**

1. When you have identified an individual who may benefit from LEAD services, contact a LEAD Case Manager via the Communications Section.
2. Provide the LEAD Case Manager with the requested information, including how to contact and locate the individual in need of services (e.g., name, date of birth, SID#, aliases, unique identifiers, etc.).
  - 2.1. If some information is not available, the LEAD Case Manager will follow up directly with the individual.
3. Assist the LEAD Case Manager with screening referrals.

#### **BPD LEAD Liaison Officer**

1. Act as the point of contact between the LEAD Case Managers, LEAD-trained officers, and the OSA LEAD coordinator. The BPD LEAD Liaison Officer, or designee, will represent the BPD at all LEAD Operational Workgroup Meetings.
2. Follow up on potential referrals sent by the LEAD Case Manager within 2 days of receipt.

#### **APPENDIX**

- A. LEAD Pilot Area Map
- B. LEAD Referral and Screening/Waiver Form

#### **ASSOCIATED POLICIES**

Policy 1401, *Control of Property and Evidence*

Policy 1402, *Management of Evidentiary Controlled Dangerous Substances*

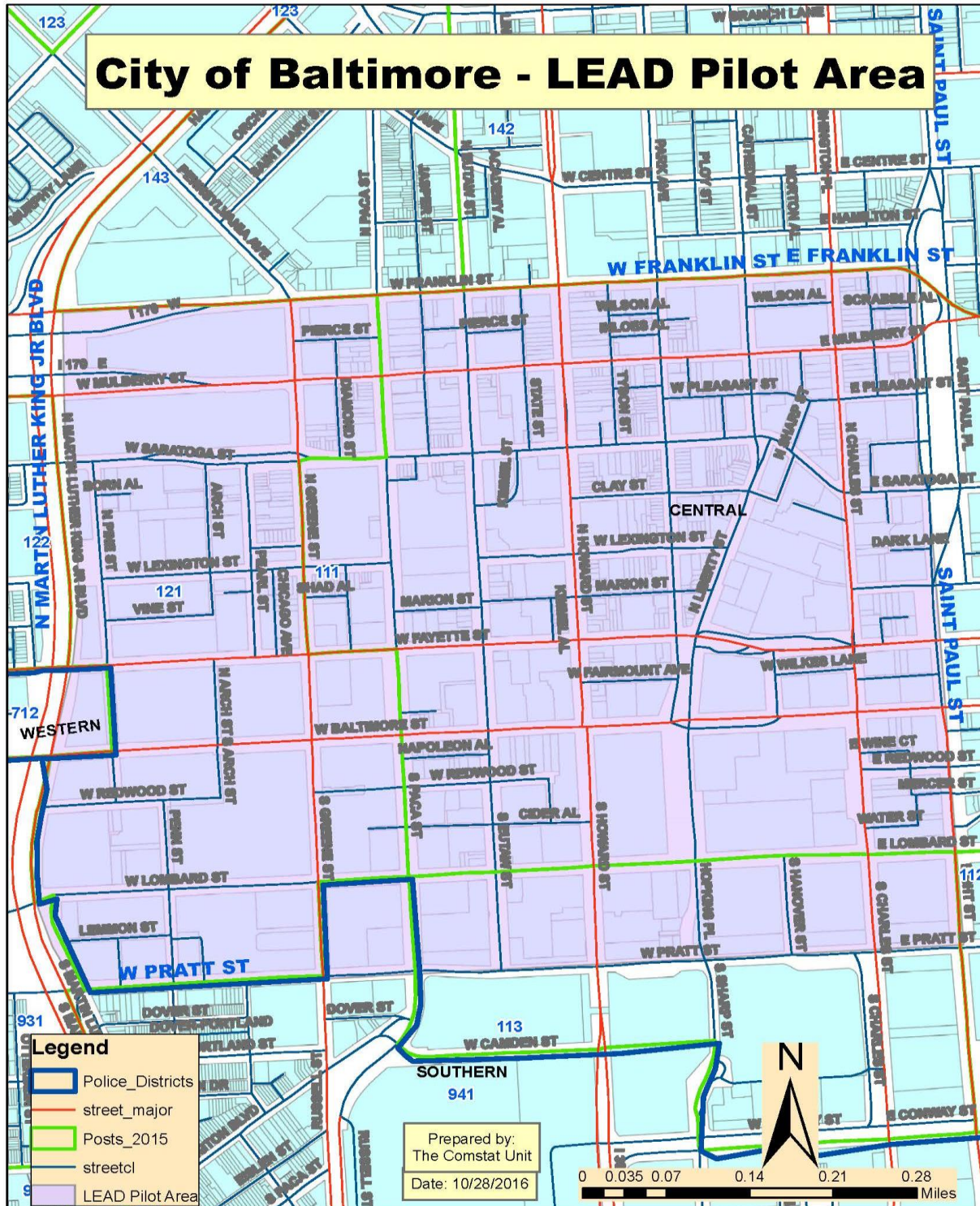
#### **COMMUNICATION OF POLICY**

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.



## APPENDIX A

## LEAD Pilot Area Map





**APPENDIX B**

## LEAD Referral and Screening/Waiver Form

**LEAD Law Enforcement Referral and Screening Form**  
**(Complete for all individuals screened for LEAD Stop or Social Contact referral)**

**Instructions**

This form is to be completed at the hand-off location while the referring officer is waiting for the intake process to finish. Upon entering the hand-off location, the officer will copy the consumer information portion of this form for the case manager.

The officer will remain at the handoff location with the referred individual and case manager until intake is complete. The case manager and officer will then escort the individual out of the hand off location.

Once intake is complete this form will be scanned and sent to the LEAD Program Manager. This form and the related incident report will then be filed according to normal procedure.

Referring Officer/Sequence #:		Supervisor/Sequence#:	
Date:	CC#:	CAD#:	
Location:		Post #:	

**Consumer Information**

Name:		DOB:	Height:	SSN:
Weight:	Hair:	Eyes:	Phone #:	
Gender (M/F):	Sex (M/F):	Ethnicity :	Caucasian__	African American__
		Hispanic__	Asian__	Other__
Address:			Zip:	Homeless (Y/N):

**Consumer is/Contributing factors are (check all that apply)**

Suspected of CDS possession, paraphernalia possession, subsistence level sales of CDS	Alcohol	
	Drugs	
Suspected of prostitution	Mental Illness	
Social Contact referral	Poverty	

**Additional Narrative (for Social Contact Referrals, note how to contact/locate)****Referral Recommendation (check one)**

Meets criteria for LEAD referral (Y/N)		Y but LEAD at Capacity and not accepting referrals		Does not meet criteria due to (check all that apply below)
Declines referral				
Prior unsuccessful LEAD referral				
Suspected CDS activity involves dealing for profit and/or exploitation of others				
Suspected prostitution activity involved promoting prostitution and/or exploitation of others				
Prior criminal history exclusion				
Medical condition/intoxication at time of investigative stop				
Inability to participate in LEAD intake process				
Risk to self or others due to mental illness of drug/alcohol effects				
Existing peace or protective order with current LEAD participant or staff				
Open or pending warrants or case				
Under probation				
Is not a Baltimore City resident or (if experiencing homelessness) does not spend majority of time in City				
Other (describe)				

**APPENDIX B**

## LEAD Referral and Screening/Waiver Form, Continued

**If Consumer is referred to LEAD**

Hand off location	
Hand off time	
Time spent at hand off location	
Case manager	
Approving Supervisor/Sequence #	

**Release of Information**

Client Name: \_\_\_\_\_ DOB: \_\_\_\_\_

I give permission for the Baltimore Police Department to share information relating to my diversion and previous police contacts with Behavioral Health System Baltimore and Baltimore Crisis Response, Inc. in order to provide case management services and secure resources on my behalf. I understand that information will only be shared when necessary to meet the requirements of my established service plan.

\_\_\_\_\_  
Signature of LEAD Program Participant\_\_\_\_\_  
Date/Time

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**LEAD WAIVER AND RELEASE OF LIABILITY**

I, \_\_\_\_\_, hereby release and forever discharge the Baltimore Police Department and all of its officers, agents, and employees, and any and all other persons from any and all claims which I may have for wrongful conduct by reason of my arrest, detention, or confinement on or about \_\_\_\_\_.

\_\_\_\_\_  
Participant's Signature\_\_\_\_\_  
Witness Signature (Seal)